


Councilmember Harold Brazil

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize, on an emergency basis, the establishment of the Chesapeake Regional Olympic Games Authority as a joint instrumentality of Virginia, Maryland, the City of Baltimore and the District of Columbia that is to be activated if the region is awarded the 2012 Olympic Games and to delineate the United States Olympic Committee and International Olympic Committee required jurisdictional commitments to be carried out, individually and collectively, by Maryland, Baltimore, Virginia, and the District of Columbia if the region is awarded the 2012 Olympic Games.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Chesapeake Regional Olympic Games Authority Emergency Act of 2001".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Bid Proposal" means the bid formally submitted by WBRC 2012 to the USOC on December 15, 2000.

(2) "Host City" means the entity that has been selected by the International Olympic Committee to host the 2012 Olympic Games.

(3) "International Olympic Committee" and "IOC" mean the

International Olympic Committee, a body corporate under international law created 1
by the Congress of Paris of 23rd June, 1894, and having perpetual succession. 2

(4) "Olympic Games" means the Olympic Games sponsored by and 3
governed by the International Olympic Committee and any other educational, 4
cultural, athletic, or sporting events related or preliminary thereto. 5

(5) "Organizing Committee for the Olympic Games" and "OCOG" 6
mean the Committee formed by WBRC 2012 to organize and conduct the Olympic 7
Games if WBRC 2012 is selected by the IOC as the Host City in 2005. 8

(6) "Regional Authority" and "Chesapeake Regional Olympic Games 9
Authority" mean the instrumentality of the District of Columbia, the 10
Commonwealth of Virginia, State of Maryland, and the City of Baltimore, which 11
authority shall have the powers and duties set forth in this act. 12

(7) "Regional Authority Advisory Committee" means a body formed 13
by the Regional Authority which shall be composed of representatives from each of 14
the local jurisdictions substantially impacted by hosting the Olympic games in the 15
region. 16

(8) "Signatory" means Maryland, Virginia, the City of Baltimore, or 17
the District of Columbia. 18

(9) "United States Olympic Committee" and "USOC" mean the 19

United States Olympic Committee, incorporated by Act of Congress on September 21, 1950, and having perpetual succession.

(10) "U.S. Candidate City" means the entity that has received the United States Olympic Committee's endorsement to submit to the IOC the sole bid from the United States for the hosting of the 2012 Olympic Games.

(11) "WBRC 2012" means Washington/Baltimore Regional 2012 Coalition, a nonprofit corporation organized under the laws of the State of Maryland, and its successors.

Sec. 3. Creation of the Regional Authority.

(a) The Signatories hereby provide the mechanism for the creation and termination of the Chesapeake Regional Olympic Games Authority, which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, the State of Maryland, and the City of Baltimore, and shall have the powers and duties set forth herein, and those additional powers and duties conferred upon it by subsequent actions of the Signatories.

(b) The Regional Authority shall come into existence by the force of this act when and if, and only if, the IOC awards the 2012 Olympic Games in year 2005 to WBRC 2012, as the U.S. Candidate City and the official representative of the Maryland, Virginia, District of Columbia, Baltimore region.

(c) The Regional Authority shall, if ever brought into existence, cease to exist by the force of this act on January 1, 2014, unless extended by substantially similar future legislation passed by each of the Signatories.

(d)(1) Until such time as the Regional Authority may be triggered into existence, the combined signatures of the Governors of Virginia and Maryland, and the Mayors of the District of Columbia and Baltimore, on any and all documents necessary and appropriate to the pursuit of the 2012 Olympic Games shall be binding on future actions of the Regional Authority.

(2) For the purposes of this subsection:

(A) The above-referenced signatures may be on the same document, on separate but materially and substantially similar documents, or any combination thereof; and

(B) No individual signature shall be effective until such time as all 4 above-referenced signatures are obtained.

Sec. 4. Regional Authority; composition and order of business.

(a) The Regional Authority shall be composed of 11 voting members, as follows:

(1) The State of Maryland shall be entitled to 3 voting members, to be appointed by the Governor of Maryland;

(2) The Commonwealth of Virginia shall be entitled to 3 voting members, to be appointed by the Governor of Virginia;

(3) The District of Columbia shall be entitled to 3 voting members, to be appointed by the Mayor of the District of Columbia;

(4) The City of Baltimore shall be entitled to one voting member, to be appointed by the Mayor of the City of Baltimore;

(5) The Washington/Baltimore Regional 2012 Coalition, a nonprofit corporation created for the sole purpose of bringing the Olympic Games to the region, or the OCOG, shall be entitled to one voting member, to be appointed in a manner consistent with its usual procedure.

(b) Reasonable efforts shall be made to ensure that appointments of voting members and advisory members appointed under subsection (g) of this section:

(1) Are residents of the regional community with relevant and useful experience, and with sufficient time to devote to the duties of the Regional Authority, to help facilitate the successful hosting of the Olympic Games;

(2) Reflect the geographical diversity inherent in the regional nature of WBRC 2012's bid proposal; and

(3) Reflect the cultural, ethnic, and racial diversity inherent in the Chesapeake region.

(c) Voting members shall not be financially compensated for their service on the Regional Authority; such service shall be considered voluntary. Voting members may be reimbursed by the Regional Authority for normal and customary expenses incurred in the performance of their duties.

(d) The terms of the voting members of the Regional Authority shall be as follows:

(1) The initial terms of office of the voting members shall be 2 years from the date of appointment, and all subsequent terms of office of the voting members shall be for 2 years. Each voting member shall hold office until his or her successor shall be appointed and duly qualified. A voting member of the Regional Authority may succeed himself or herself.

(2) All vacancies in the membership of the voting members of the Regional Authority, whether caused by expiration of term of office, death, resignation, or otherwise, shall be filled in the same manner as that membership was originally filled. The term of any voting member appointed to fill an unexpired term shall be the term of the voting member he or she replaced.

(3) The Regional Authority shall elect from its membership a chair, a vice chair, a secretary, and a treasurer. Such officers shall serve for such terms as shall be prescribed by resolution of the Regional Authority or until their successors

are elected and qualified. No voting member of the Regional Authority shall hold more than one office on the Regional Authority.

(e) The Regional Authority shall hold meetings in accordance with the following:

(1) Regular meetings of the Regional Authority shall be held on such dates and at such time and place as shall be fixed by resolution of the Regional Authority.

(2) Special meetings of the Regional Authority may be called by resolution of the Regional Authority, by the chairman or vice chairman, or upon the written request of at least 3 voting members of the Regional Authority.

(3) Written notice of all meetings shall be delivered to each voting member not less than 3 days prior to the date of such meeting in the case of regular meetings and not less than 24 hours in the case of special meetings.

(4) Each voting member should make all reasonable efforts to be in attendance at meetings called by the Regional Authority.

(5) A majority of the voting members of the Regional Authority in office shall constitute a quorum. A majority of the quorum is empowered to exercise all the rights and perform all the duties of the Regional Authority and no vacancy on the Regional Authority shall impair the right of the majority to act. If at

a meeting there is less than a quorum present, a majority of those present may
adjourn the meeting to a fixed time and place, and notice of the time and place shall
be given in accordance with paragraph (3) of this subsection; provided, that if this
notice period cannot reasonably be complied with the notice, if any, of the
adjourned meeting shall be given as is reasonably practical.

(6) The Regional Authority shall establish rules and regulations for its
own governance not inconsistent with this act.

(f) The Regional Authority shall:

(1) Make provision for a system of financial accounting and controls,
audits, and reports. All accounting systems and records, auditing procedures and
standards, and financial reporting shall conform to generally accepted principles of
governmental accounting. All financial records, reports, and documents of the
Regional Authority shall be public records and open to public inspection under
reasonable regulations prescribed by the Regional Authority; and

(2) Adopt a fiscal year, establish a system of accounting and financial
control, designate the necessary funds for complete accountability, and specify the
basis of accounting for each such fund. The Regional Authority shall cause to be
prepared a financial report on all funds at least quarterly and a comprehensive
report on the fiscal operations and conditions of the Regional Authority annually.

(g) The Regional Authority shall form a Regional Authority Advisory Committee, which shall be comprised of representatives from each of the local jurisdictions substantially impacted by hosting the Olympic Games in the region, in a manner to be determined by the Regional Authority.

Sec. 5. Compliance with local law.

The Regional Authority shall make every effort to comply with the local laws of each of the Signatories regarding disclosure, appointment, and open meetings.

Sec. 6. Funding of the Regional Authority.

(a) The OCOG shall provide reasonable funds for the operation of the Regional Authority and the conduct of its business in accordance with the provisions of this act.

(b) For the purposes of this section, payment of any insurance premiums incurred by the Regional Authority under the authority granted to it by section 7 shall not be considered operations funds referred to in subsection (a) of this section. The OCOG shall pay only such insurance premiums as are reasonable.

(c) The OCOG shall not be responsible for any financial liability that the Regional Authority may incur under section 7.

(d) The Regional Authority shall submit to the OCOG a planned budget for the Regional Authority's next fiscal year, adopted consistent with section 4, no less

than 90 days before the beginning of the next fiscal year. 1

Sec. 7. Regional Authority oversight; additional powers. 2

(a) The Regional Authority, in recognition of its oversight responsibility 3
over the OCOG, shall have access to: 4

(1) The quarterly financial statements of the OCOG; 5

(2) The annual business plans of the OCOG; and 6

(3) All other OCOG documents necessary to achieve its oversight 7
purpose. 8

(b) The Regional Authority shall have the power to enforce OCOG 9
budgetary and planning changes when: 10

(1) Review by the Regional Authority of the OCOG financial 11
statements, annual business plans, or other documents contemplated in subsection 12

(a) of this section suggests: 13

(A) Economic shortfalls that would possibly trigger the 14
Regional Authority's liability outlined in section 7(c); or 15

(B) The OCOG will fail to host the Olympic Games in a manner 16
that would satisfy the requirements of the USOC or the IOC; and 17

(2) Such changes are supported by a majority of the voting members 18
of the Regional Authority, notwithstanding the quorum requirements of section 19

4(c)(5).

(c) The Regional Authority, in recognition of its duties as overseer of the OCOG, shall:

(1) Be bound by the terms of, cause the OCOG to perform, and guaranty performance of, OCOG's obligations under all documents necessary and appropriate to the pursuit of the Olympic Games;

(2) Certify the OCOG's performance of such obligations as requested by the USOC from time to time;

(3) Accept liability for the OCOG, if any, as far as required by all documents necessary and appropriate to the pursuit and hosting of the Olympic Games; provided, that:

(A) With regard to third-party tort liabilities, the OCOG will indemnify the District of Columbia against any and all such claims and provide that the District of Columbia be named as an additional insured on all appropriate insurance policies. Nothing contained herein shall in any way modify the District of Columbia's existing liability limitation; and

(B) With regard to all other liabilities arising out of this paragraph, the OCOG agrees to hold the District of Columbia harmless and indemnify the District of Columbia for any such losses. If the District of Columbia

incurs any liabilities, these shall count against the total limit (or cap) on the District
of Columbia's liabilities as set forth in section 8(a)(3).

(4) Accept liability, if any, with the OCOG, for any financial deficit of
the OCOG or the Olympic Games, as follows:

(A) The OCOG shall be responsible for any amount up to \$25
million;

(B) The Regional Authority shall be liable for any amount in
excess of \$25 million, but not to exceed an additional \$175 million; and

(C) Except as set forth in existing applicable law, the OCOG
and the Regional Authority shall not be limited in their choice of funding sources
for covering possible financial losses, including the purchase of insurance, if
commercially available and reasonably priced.

(d) The Regional Authority, in its financial oversight and safeguard role,
shall ensure:

(1) No legacy programs, funds, or accounts shall be funded from any
of the proceeds of the 2012 Olympic Games until all budgetary and operational
financial obligations of the OCOG and the Regional Authority for hosting the
Olympic Games are first met; and

(2) No liability for any financial deficit resulting from the 2012

Olympic Games shall accrue to the Regional Authority (or the Signatories) until all
budgetary or operational financial surpluses of the OCOG, if any, are applied to all
outstanding financial obligations of OCOG and the Regional Authority, if any,
accrued exclusively in connection with hosting the Olympic Games.

(e) The Regional Authority, to facilitate its oversight responsibility over the
OCOG, shall have the additional powers:

- (1) To sue and be sued in contract and in tort;
- (2) To complain and defend in all courts;
- (3) To implead and be impleaded;
- (4) To enter into contracts;
- (5) To hire appropriate staff; and
- (6) Any additional powers granted to it by act.

Sec. 8. Indemnification.

(a) Any liability incurred by the Regional Authority, not covered by
insurance under section 7(c)(4)(C), shall be further indemnified by the Signatories,
in proportion to the relative economic benefit currently expected to accrue to each
Signatory from hosting the Olympic Games, as follows:

- (1) The State of Maryland shall be liable for 53%;
- (2) The Commonwealth of Virginia shall be liable for 19%; and

(3) The District of Columbia shall be liable for 28%. 1

(b) Each of the Signatories may provide for its share of any possible liability 2
in any manner it may choose, as befits each Signatory's independent commitment. 3

Sec. 9. Commitments of Signatories. 4

(a) As appropriate to its individual jurisdiction and specific role in hosting 5
the 2012 Olympic Games, each Signatory shall: 6

(1) Ensure that necessary facilities are built and transportation 7
infrastructure improvements take place, including government funding as 8
appropriate; 9

(2) Provide access to existing state/city-controlled facilities and other 10
important resources as specified in WBRC 2012's bid proposal in accordance with 11
applicable law and contractual obligations; and 12

(3) Provide adequate security, fire protection, and other government 13
related services at a reasonable cost to ensure for the safe and orderly operation of 14
the Olympic Games. 15

(b) Notwithstanding any other provision of this act, any financial obligation 16
or liability that the District of Columbia may incur by virtue of this act shall be 17
subject to the availability of appropriations authorized by Congress at the time the 18
obligation or liability is created. 19

(c) Notwithstanding any other provision of this act, any provision of this act 1
that grants the Regional Authority any authority, power, duty, or function that 2
conflicts with the District of Columbia Home Rule Act, approved December 24, 3
1973 (87 Stat. 777; D.C. Code § 1-201 *passim*), including sections 6, 8, and 9, shall 4
be approved by Congress prior to the exercise of that authority, power, duty, or 5
function by the Regional Authority. 6

Sec. 10. Fiscal impact statement. 7

The Council adopts the fiscal impact statement in the committee report as the 8
fiscal impact statement required by section 602(c)(3) of the District of Columbia 9
Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1- 10
223(c)(3)). 11

Sec. 11. Effective date. 12

This act shall take effect following approval by the Mayor (or in the event of 13
veto by the Mayor, action by the Council to override the veto) and approval by the 14
Financial Responsibility and Management Assistance Authority as provided in 15
section 203(a) of the District of Columbia Financial Responsibility and 16
Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. 17
Code § 47-392.3(a)), and shall remain in effect for no longer than 90 days, as 18
provided for emergency acts of the Council of the District of Columbia in section 19

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 1

(87 Stat. 788; D.C. Code § 1-229(a)). 2